

12-13-04

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#10



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Serial no.: 09/301,868
Filing Date: 04/29/99

Express Mail No.: EA190625043
ET564323170US

In re Patent of
MARK BECKMAN

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as EXPRESS Mail Service
to addressee service under 37 CFR 1.10;
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Assistant Commissioner for Patents

Washington DC 20231

2900 Crystal Dr.

Fredericksburg, VA
on 10 DECEMBER 2004

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FEB 07 2005

OFFICE OF PETITIONS

222623513

For: RESPONSE TO OFFICE ACTION AND PETITION TO REVIVE PATENT
FROM UNAVOIDABLE ABANDONMENT

John E. Halamka

Dated: 10 DECEMBER 2004

Palos Verdes Estates, Los Angeles County
California

02/02/2005 SLUANG1 00000034 080207 09301868

01 FC:2453 750.00 DA

02570 U.S. PTO
121004



UNITED STATES POSTAL SERVICE EXPRESS MAIL FILING

Express No. R 190 425 043
EP564323170US

Identification no.: PA1640.CIP
Patent no.:
Serial no.: BASED UPON 09/301,868
Date of Filing: 04/29/99

The commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-0207. A duplicate copy of this sheet is enclosed.

[XX] The fee for filing a RESPONSE IN THE FORM OF A CIP WHICH REQUIRES A NEW PATENT FILING FEE IN THE AMOUNT OF \$395 FOR A SMALL ENTITY AND A PETITION FEE FOR A PATENT UNAVOIDABLY ABANDONED WHICH WE BELIEVE TO BE \$55. .

[XX] Any additional fees under 37 CFR.

[XX] Any processing fees under 37 CFR.

Respectfully submitted,

John E. Halamka
P.O. Box 207
Palos Verdes Estates
CA 90274
Halamka@usc.edu
310-316-6100

02/03/2005 SLUANG1 00000001 080207 09301868

01 FC:2452 250.00 DA

RECEIVED

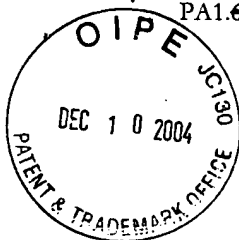
FEB 07 2005

OFFICE OF PETITIONS

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OIPE/JCYS



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re Patent Application of
MARK JAMES BECKMAN

Serial No.: 09/301,868

Filed 04/29/99
For: SNACK PACKAGE ADAPTER
FOR A BOTTLE

I hereby certify that this correspondence
is being deposited with the United
States Postal Service as EXPRESS MAIL in
an envelope

ADDRESSED TO:

Commissioner of Patents
and Trademarks, Washington,
D.C. 20231 on 10 December 2004

John E. Halamka
John E. Halamka

Dated: 10 December 2004

Palos Verdes Estates, California

2900 Cayman Dr
Arlington VA 22202

Examiner: HAO MAI

RESPONSE TO OFFICE ACTION DATED 03/30/01
RECEIVED 10/10/04

Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231

O.I.P.E./JCWS

FEB - 1 2005

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FEB 07 2005

OFFICE OF PETITIONS

Responsive to the Office action dated 03/03/01, it is requested that the attached Continuation in Part be filed in place of the pending application 09/301,868 and that the original application be abandoned in place of the Continuation in Part.

The original application was marked abandoned for failure to respond to this office action. Such failure was unavoidable as the action was not mailed to myself, the new attorney of record, nor to the prior attorney of record.

A petition to revive the original patent is also enclosed.

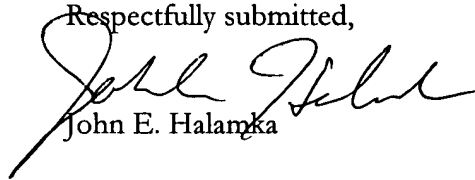
The examiner has found that the respond to Paper 5, filed by John E. Halamka, adds new matter to the patent application. Applicant's attorney respectfully disagrees but knows that a better response is to fine the application again with the "new matter" as a continuation in part. This is the course of action taken along with the petition to revive.

Applicant's attorney respectfully requests the filing of the Continuation in Part with the priority of the original patent application pending its successful revival.

Upon consideration of the above remarks, the applicant respectfully believes that the application will be found in condition for review and such review is respectfully solicited.

As this response is mailed within 2 months of actual receipt of the office action Applicant's Attorney does not believe any fees for late filing are due. However, if any are due, Applicant's Attorney hereby authorizes a charge to his deposit account 080207.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Halamka", is written over the typed name. The signature is fluid and cursive.

John E. Halamka



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

DOCKET PA1.640

In re Patent Application of

GROUP NUMBER 1762

MARK JAMES BECKMAN

Serial No.: 09/301,868

Filed: 04/29/99

For: SNACK PACKAGE ADAPTER
FOR A BOTTLE
GUARD FOR EQUINE TEETH
Group: 1761

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ADDRESSED TO:

Assistant Commissioner of Patents
and Trademarks

WASHINGTON, D.C. 20231

On 10 December 2004

John E. Halamka
John E. Halamka

Examiner: HAO MAI

Dated: 10 December 2004

Primary Examiner

Palos Verdes Estates, California

PETITION TO REVIVE FROM NOTICE OF ABANDONMENT

DATED 11/06/2001

RECEIVED BY ATTORNEY OF RECORD 10/10/2004

RECEIVED

FEB 07 2005

Honorable Assistant Commissioner of Patents and Trademarks
Washington, D. C. 20231

OFFICE OF PETITIONS

Dear Honorable Assistant Commissioner of Patents and Trademarks:

Responsive to the Notice of Abandonment dated 11/06/2001 for failure to timely file a PROPER reply to an Office letter made FINAL and dated 03/30/2001, applicant by way of his attorney submits this petition to revive after a struggle to even determine the status and what the examiner's office action indicated.

Upon reading the NOTICE OF ABANDONMENT I was shocked and bitterly disappointed that one of my pending patent applications had become unintentionally abandoned.

Upon examination of the reason for the Notice of Abandonment I was absolutely astounded to find that SOMETHING MUST BE AMISS as the office action requiring a Response TO AN ACTION MADE FINAL had **not been received by this office**. I immediately contacted the office of the attorney who filed the patent application and was informed by him

that he had not received any communication from the USPTO regarding the above identified patent application nor did he expect to receive any as I was substituted as attorney of record when I filed the response to THE OFFICER ACTION DATED 7/5/00. This response was filed January 5, 2001, received in the office January 11, 2001, a copy of which is attached as EXHIBIT A.

I was astounded by the thought that the rights of a client may have been extinguished.

I immediately set out to meticulously reconstruct the time line of this file in an effort to determine if I could find a rational reason to petition to reinstate this application.

I had timely responded on 1/5/01 to the office action dated 7/5/00 but not to the satisfaction of the Examiner. The examiner believed I had added new matter in my response.

A copy of this time line is attached hereto and Applicant's Attorney respectfully contends that he has incorporated the concepts in the time line which were imbedded during its construction to remind Applicant's Attorney of any point, argument or provision which should be considered in the Petition to Revive Inadvertently Abandoned Application. If Applicant's Attorney has not successfully incorporated a particular point from the time line, Applicant's Attorney prays that the Commissioner allow applicant's Attorney to amend the Petition with any information the Commissioner believes relevant or file a supplemental to this petition.

What I concluded from the time line exercise of reviewing all of the work in the file was that the USPTO did not properly replace me as attorney of record in this file as requested and as supported by a Substitution of Power of Attorney.

Thus, the FINAL office action was mis-mailed and I then encountered great difficulty in obtaining any information about the status of the application in order to take any action. I finally received the file wrapper on 10/10/04 and have completed this petition, a response to the final action in the form of a CONTINUATION IN PART to the examiner's conclusion that the amendments in response to paper 5 add new matter to the application.

Applicant's Attorney respectfully believes he completely and properly responded to the Examiner's FINAL office action by filing the CONTINUATION IN PART application. However, Applicant's Attorney is unsure of the proper procedure for filing the CIP as the underlying patent has become abandoned. Applicant's attorney respectfully requests that

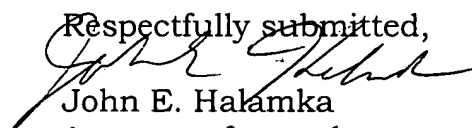
the CIP be filed pending the outcome of this petition to revive the underlying original U.S. Patent Application from which the CIP claims priority.

As this Petition to REVIVE an Inadvertently Abandoned patent application is filed within the two month statutory period FROM ACTUAL RECEIPT OF THE NOTICE OF ABANDONMENT, applicant's attorney believes that no additional fees are due for an extension as no extension beyond the two months is allowed. However, applicant's attorney authorizes any fees found to be due in addition to the Petition Fee believed to be in the sum of \$650.00, for a small entity to be charged to Deposit Account 08-0207.

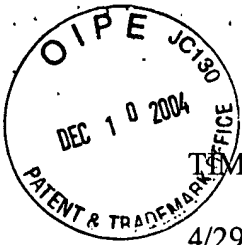
If the Commissioner determines that a terminal disclaimer is required, Applicant's Attorney further authorizes the payment of any fee which is believed to be \$55 for a small entity for this terminal disclaimer to be charged to Deposit Account 08-0207.

Timely notice of reinstatement and passage on for allowance of this application is hereby respectfully requested.

Respectfully submitted,



John E. Halamka
Attorney of record



TIME LINE FOR PATENT APPLICATION SERIAL NO. 09/301,868

4/29/99 Filed U.S. Application and received serial no. 09/301,868.

FILED BY PATENT LAW & VENTURE GROUP

INITIAL Attorney of record = Gene Scott

SUITE 105

3151 AIRWAY AVE.

COSTA MESA , CA 92626

Originally contained 17 claims.

Assigned to HAO MAI, patent examiner, Art Unit 1761

Supervisor Gabrielle Boullette

Date unknown. Office action requiring election and filing attorney withdrew claims 1-9.

07/05/00 1st Office Action, (Paper 5) mailed to Patent Law Group

07/12/00 Received by Patent Law Group

07/13/00 Patent Law Group forwarded office action to applicant for information, comment and direction as Claims 10-17 rejected.

Sometime after 7/13/00 I was contacted by the applicant to review the office action to possibly take over the file.

I agreed to take over the file and proceeded to draft a response.

01/5/01 I filed a Response to Paper # 5, filed as NEW ATTORNEY OF RECORD, submitted a declaration and substitution of attorney and a request to change address and phone number of the attorney of record to myself. JOHN E. HALAMKA, P.O. BOX 207, PALOS VERDES ESTATES, CA 90274. ATTACHMENT 1

On January 1 2001 hanged my principal office from 21515 Hawthorne Blvd. Suite 590, Torrance CA 90503 to P.O. Box 207, Palos Verdes Estates, CA 90274

The Declaration and power of attorney filed with paper 5 was sent to the client before the change of address and so reflects my old address.

As soon as I changed my address I submitted a change of address for all of my files.

I suspect that because I was not Attorney of record for 09/310,868, my request to change address was not honored.

3/13/01 Filed a request for Status – NO RESPONSE (Probably because I was not recognized at attorney of record.)

3/17/03 Filed ANOTHER request for status – NO RESPONSE See Attachment 2

3/19/03 Called Examiner Hao Mai – left a message regarding status – NO RESPONSE

6/28/04 Contact Help desk:

1. Determined how to request copy of file wrapper of both U.S. and PCT application
2. Determined HAO MAI no longer employed by USPTO –
3. Attempted to determine status of U.S and PCT applications – the files were not assigned to another examiner even though PCT was still pending.

7/13/2004 Requested copy of file wrapper of the U.S. application along with copy of file wrapper of companion PCT application which I filed based upon the U.S. application filed by Patent Law Group.

7/16/04 Received notification from Customer Service, Office of Public Records that I was not entitled to receive the file wrapper for 09/301,868 as I was NOT ATTORNEY OF RECORD. See Attachment 3

07/26/04 Requested file wrapper again with copy of substitution of attorney attached to the request. See Attachment 4

7/30/04 Order for the PCT was fulfilled. See Attachment 5

10/10/04 RECEIVED RESPONSE TO MY SECOND REQUEST, ORDER NUMBER 1205737

Upon reading through the file wrapper, I found that the patent application was abandoned due to failure to respond to the office action mailed 3/30/01.

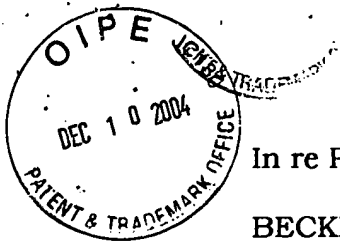
I never received the mailing.

The cover sheet for the NOTICE OF ABANDONMENT SHOWS IT WAS MAILED TO:

PATENT LAW & VENTURE GROUP
SUITE K 105
3151 AIRWAY AVENUE
COSTA MESA, CA 92626

THIS IS NOT THE CORRECT ADDRESS AS I KNOW IT. There is no K in the address after SUITE.

I called the Patent Venture Group and they confirmed that they had not received the mailing of the Office Action dated 3/30/01 nor the notice of abandonment dated 11/06/01.



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re Patent Application of

GROUP NUMBER 1761

BECKMAN, MARK J.

Serial No.: 09/301,868

Filed: 04/29/99

For: SNACK PACKAGE ADAPTER
FOR A BOTTLE

Group: 1761

Examiner: HAO MAI

I hereby certify that this
correspondence was
deposited with the United
States Postal Service as Express
mail in an
envelope ADDRESSED TO:
Commissioner of Patents
and Trademarks, Washington,
D.C. 20231 on _____

John E. Halamka
Dated: 5 January 5, 2001
Torrance, California

RESPONSE TO PAPER NUMBER 5

Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231
Attn: MR. HAO MAI, Art Unit 1761

Responsive to the office action dated 7/5/00, applicant submits
the following as filed by a new attorney of record, John E. Halamka, an
~~executed declaration and substitution of attorney~~ is attached hereto.
Applicant's new attorney of record requests the changes to address and
phone number be entered into the record and the following comments
and changes be considered:

The examiner has rejected the remaining claims 10-17 as being
indefinite for failing to particularly point out and distinctively claim the
subject matter which applicant regards as the invention. In particular,
the examiner expressly states that the use of the terms "adapted" and
"enable" do not positively recite the claimed invention.

Applicant's attorney has reviewed the specification and claims and
has clarified the use of the terms "adapted" and "enable" with the
changes to the specification and claims to follow. Applicant's attorney
respectfully believes that he has not added any new matter to the
application by these changes and that such changes place the claims as
supported by the specification in a state to be examined.

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JAN 11 2001
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09301868

01/10/2001 HYUSJF 1 00000105 080207

445.00 CH

01 FC-217

ATTACHMENT 1
PAGE 1



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

International Patent Application of

GROUP NUMBER 1761

BECKMAN, MARK J.

Serial No.: 09/301,868
Filed: 04/29/1999

For: SNACK PACKAGE
ADAPTER FOR A
BOTTLE

Group: 1761

Examiner: HAO MAI

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States Postal Service as first
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ADDRESSED TO:

Assistant Commissioner of Patents
and Trademarks, Washington,
D.C. 20231

On 17 March 2003

John E. Halamka

Dated: 17 March 2001
Torrance, California

REQUEST FOR STATUS

Honorable Assistant Commissioner of Patents and Trademarks
Washington, D. C. 20231
Attn: Art Group 3724

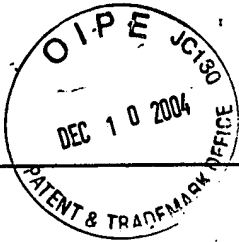
Dear Assistant Commissioner:

This office is attorney of record for the applicant. As we have not
had any correspondence after the filing the response to Paper 5, we
respectfully request notification of the status of the examination of the
application.

Respectfully submitted,

JS
John E. Halamka

ATTACHMENT 2



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE CHIEF INFORMATION OFFICER

Date:

7/16/04

Dear:

Ms Holamka

This is in response to your correspondence dated

7/13/04

Your order for printed copies of the following U. S. Patent (s), Design Patent(s) Plant(s) Trademark(s) and/or a Patent Application(s) cannot be filled for the following reason(s).

You may resubmit your order once correction has been made.

Reference#

09/301,868

Our records indicate that you are not entitled to obtain a copy of this pending application. Copies of pending applications may only be obtained with written consent of the applicant, attorney of records, or assignee.

{ } This office cannot identify the copy you requested. The information/number given is either incomplete or does not correspond with existing PTO records:

___ Inventor name ___ Filing/Issue date ___ Title ___ Mark

{ } Insufficient payment was received. The total amount to process your order is \$ _____. Please furnish the PTO with \$ _____ to complete the processing of your order. We will accept Visa, MasterCard, Check or Money Order. Make check or money order payable to Commissioner of Patent and Trademarks.

{ } Copies of U.S Patent Number _____ cannot be furnished. It has been withdrawn from issue. If there are other patents within your order, they are being processed and will be forwarded to you under separate cover.

{ } Patent Number(s) requested is/are too high. No patent(s) have been issued in that patent number range.

{ } Your credit card was declined for this sale. Please contact your card holder with any questions pertaining to this transaction.

{ } Other: _____

If you have any question or need additional information, please contact our Customer Service Department at (703) 308-9726.

Sincerely,

Ms Munaf

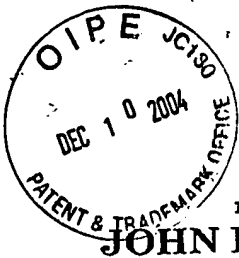
Customer Service
Office of Public Records

www.uspto.gov

click on

How To

ARTICLES



LAW OFFICES
JOHN E. HALAMKA

N/E
7/13
W

POST OFFICE BOX 207
PALOS VERDES ESTATES, CA 90274
(310) 316-6100
FACSIMILE: (310) 541-8290
EMAIL: halamka@usc.edu

12 July 2004
By Fax to 703-308-7948

U.S. Department of Commerce
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: File Management

- RE: 1) U.S. Patent Application
Serial No. 09/301,868
Applicant: Mark James Beckman
Docket PA 1640
2) ~~U.S. Patent Application
Serial No. 09/204,866
Applicant: Gary Johnson
Docket PA 1615~~

Dear Sirs:

I am the attorney of record for the above revered Patent Applications.

Problems have arisen in the prosecution of the application that I do not seem to be able to solve without obtaining a copy of the complete file as it stands in the Patent Office. I do not require a certified copy of either file.

Would you kindly provide a copy of both files at your earliest opportunity?

I understand that the cost of obtaining a copy is \$200.00 for each file. You are hereby authorized to charge my Deposit Account for the cost of this process and preparing the copies for mailing to the above address. My Account number is 080207.

Sincerely,

John E. Halamka
Patent Attorney

ATTACHMENT
Page 2

LAW OFFICES
JOHN E. HALAMKA

POST OFFICE BOX 207
PALOS VERDES ESTATES, CA 90274
(310) 316-6100

FACSIMILE: (310) 541-8290

EMAIL: halamka@usc.edu

26 July 2004
By Fax to 703-308-7048

3 PAGES

U.S. Department of Commerce
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: File Management

RE: 1) U.S. Patent Application
Serial No. 09/301,868
Applicant: Mark James Beckman
Docket PA 1640
2) U.S. PCT Filing
Serial No. PCT/US00/11269
Applicant: Mark James Beckman
Docket PA 1640.PCT

Dear Sirs:

I am the attorney of record for the above referenced Patent Applications.

Problems have arisen in the prosecution of each application that I do not seem to be able to solve without obtaining a copy of the complete file as it stands in the Patent Office. I do not require a certified copy.

Kindly provide a copy of both files at your earliest convenience.

THIS IS THE SECOND REQUEST for the file for 09/301,868. The first request, dated 12 July 2004 was denied as the reviewing person could not determine that I was the attorney of record. I responded to the First Office Action on this application with a request to change the attorney of record information to my office. I included a Declaration and Power of Attorney signed by the Applicant, Mark James Beckman. A copy of the first page of the Office Action and the Power of Attorney appointing this office as Attorney of Record is attached hereto.

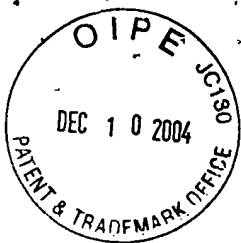
I understand that the cost of obtaining a copy of each file could be \$200.00 or more. You are hereby authorized to charge my Deposit Account for the cost of this process and preparing the copies or CD ROM for mailing to the above address. My Deposit Account Number is 080207.

Attachments: Page 1, Office Action
POW

Sincerely,

John E. Halamka
John E. Halamka

John E. Halamka



ORDER NUMBER	1205737
REFERENCE ORDER NUMBER	0
BIN NUMBER	0
DELIVERY INSTRUCTIONS	

Page 1 of 1



ORDER DATE/TIME	PALM NUMBER	CUSTOMER NUMBER	CONTACT PHONE NUMBER	PAYMENT METHOD	TOTAL COST OF ORDER
2004/07/30 09:49:00		IDON906720		DEPOSIT ACCOUNT	\$ 400.00

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FAX NUMBER

CARRIER

CARRIER TRACKING NUMBER

CARRIER ACCOUNT NUMBER

Patent & Trademark Office

UNITED STATE PATENT AND TRADEMARK OFFICE
COMBINED DECLARATION AND POWER OF ATTORNEY
(Original, Design, National Stage of PCT, Supplemental, Divisional,
Continuation or CIP Application)

As a below named inventor, I hereby declare that:

This declaration is for the following type application:

RECORD ☒: original, **SUBSTITUTION OF ATTORNEY OF**

☐: design

☐: national stage of PCT

☐: supplemental

☐: divisional

☐: continuation

☐: continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are stated below next to my name. I believe I am the original, first and sole inventor (or an original, first and joint inventor) of the subject matter which is claimed and for which a patent is sought on the invention entitled: THERAPY EXERCISE TABLE

SPECIFICATION IDENTIFICATION

the specification of which:

☐: is attached hereto.

☒: was filed on 04/29/99 as Application Serial No. 09/301,868, and was amended on (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to the declaration. Accordingly, the

1) 5-11-99 11:25 /
D. H. K. 2

amendments involved are those filed with the application papers, or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

PCT APPLICATION ENTERING NATIONAL STAGE

 : was described and claimed in International Application No. , filed on , and amended on (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56 (a).

 : In compliance with this duty there is attached an information disclosure statement. 37 C.F.R. 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications/s for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

 : XX: no such applications have been filed.

 : such applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country Application Number: Date of Filing: Priority Claimed
(mo., Day, Year): Under 37 USC 119

: :
: : yes : : no

ATTACHED
PAGE 7

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney/s to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

JOHN E. HALAMKA, ESQ.

Reg. No. 30,177

Send Correspondence to:
John E. Halamka, Esq.
21515 Hawthorne Blvd. Suite 590
Torrance, CA 90503

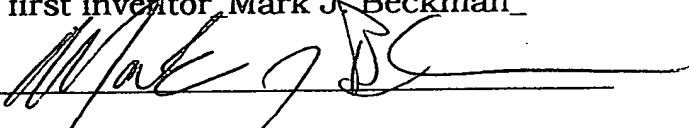
Direct telephone calls to:
John E. Halamka, Esq.
(310) 316-6100
halamka@usc.edu

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Full name of sole or first inventor Mark J. Beckman

Inventor's signature 

Date Dec 31st 2000 Country of Citizenship USA

Residence 4288 Klump Ave., Studio City, CALIFORNIA 91602

Post Office Address Same

The following pages form a part of this Declaration:

 : Signature for third and subsequent joint inventors.

Number of pages added

ATTACHMENT 1
page 4

☐: Signature by administrator(trix), executor(trix), or legal representative for deceased or incapacitated inventor. Number of pages added _____.

☐: Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. 1.47. Number of pages added _____.

☐: Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

☐: Added Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b))

☐: Total pages added to this Declaration

Attorney /
Page 5